

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN HENDRIX,

Plaintiff,

v.

FOULK, et al.,

Defendants.

No. 1:20-cv-01307-AWI-JLT (PC)

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

(Doc. No. 25)

Plaintiff Benjamin Hendrix is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 4, 2021, the assigned magistrate judge filed a screening order, finding that Plaintiff's second amended complaint states a cognizable claim of deliberate indifference against Defendant Arce but not Defendant Santoro. Doc. No. 20. The magistrate judge directed Plaintiff to file a third amended complaint curing the deficiencies in his pleading or to notify the court of his desire to proceed only on the claim found cognizable. *Id.* at 6-7. On June 24, 2021, Plaintiff filed a notice that he "wishes to . . . proceed only on his deliberate indifference claim against . . . Arce and . . . dismiss . . . Santoro." Doc. No. 22.

Therefore, on June 24, 2021, the magistrate judge issued findings and recommendations, recommending that Defendant Santoro be dismissed. Doc. No. 25. The findings and

1 recommendations were served on Plaintiff and provided him 14 days to file objections thereto.  
2 Id. at 1-2. Plaintiff has not filed any objections, and the time to do so has passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
4 *de novo* review of this case. Having carefully reviewed the file, the Court finds the findings and  
5 recommendations to be supported by the record and proper analysis.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The findings and recommendations issued on June 24, 2021 (Doc. No. 25) are  
8 ADOPTED in full;
- 9 2. Defendant Santoro and the claims against her are DISMISSED;
- 10 3. The Clerk of the Court is directed to rename this case “*Hendrix v. Arce*”; and,
- 11 4. This case is referred back to the assigned magistrate judge for further proceedings.

12 IT IS SO ORDERED.

13 Dated: August 11, 2021

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15 SENIOR DISTRICT JUDGE  
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